

§ 163-166.16. Requirement for photo identification to vote in person.

(a) Photo Identification Required to Vote. – When a registered voter presents to vote in person, the registered voter shall produce any of the following forms of identification that contain a photograph of the registered voter:

- (1) Any of the following that is valid and unexpired, or has been expired for one year or less:
 - a. A North Carolina drivers license.
 - b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.
 - c. A United States passport.
 - d. A North Carolina voter photo identification card of the registered voter issued pursuant to G.S. 163-82.8A.
 - e. Recodified as sub-subdivision (a)(2)c. of this section by Session Laws 2019-22, s. 1, effective June 3, 2019.
 - f. Reserved.
 - g. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), provided that card is issued in accordance with G.S. 163-166.17.
 - h. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with G.S. 163-166.18.
 - i. A drivers license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.
- (2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:
 - a. A military identification card issued by the United States government.
 - b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.
 - c. A tribal enrollment card issued by a State or federal recognized tribe.
 - d. An identification card issued by a department, agency, or entity of the United States government or this State for a government program of public assistance.
- (3) Any expired form of identification allowed in this subsection presented by a registered voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the registered voter's sixty-fifth birthday.

(b) Verification of Photo Identification. – After presentation of the required identification described in subsection (a) of this section, the precinct officials assigned to check registration shall compare the photograph contained on the required identification with the person presenting to vote. The precinct official shall verify that the photograph is that of the person seeking to vote. If the precinct official disputes that the photograph contained on the required identification is the person presenting to vote, a challenge shall be conducted in accordance with the procedures of G.S. 163-88. A voter shall be permitted to vote unless the judges of election present unanimously agree that the photo identification presented does not bear a reasonable resemblance to that voter.

(c) **Provisional Ballot Required Without Photo Identification.** – If the registered voter cannot produce the identification as required in subsection (a) of this section, the registered voter may cast a provisional ballot that is counted only if the registered voter brings an acceptable form of photograph identification listed in subsection (a) of this section to the county board of elections no later than the end of business on the business day prior to the canvass by the county board of elections as provided in G.S. 163-182.5. The State Board shall provide the registered voter casting a provisional ballot due to failure to provide photo identification an information sheet on the deadline to return to the county board of elections to present photo identification, and what forms of photo identification are acceptable, in order for the voter's provisional ballot to be counted.

(d) **Exceptions.** – The following exceptions are provided for a registered voter who does not produce an acceptable form of identification as required in subsection (a):

- (1) **Religious Objection.** – If a registered voter does not produce an acceptable form of photograph identification due to a religious objection to being photographed, the registered voter may complete an affidavit under penalty of perjury at the voting place and affirm that the registered voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the registered voter may cast a provisional ballot.
- (2) **Reasonable Impediment.** – If a registered voter does not produce an acceptable form of photograph identification because the registered voter suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification, the registered voter may complete an affidavit under the penalty of perjury at the voting place and affirm that the registered voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification. The registered voter also shall complete a reasonable impediment declaration form provided in subsection (e) of this section, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the registered voter may cast a provisional ballot.
- (3) **Natural Disaster.** – If a registered voter does not produce an acceptable form of photograph identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State, the registered voter may complete an affidavit under penalty of perjury at the voting place and affirm that the registered voter: (i) is the same individual who personally appears at the voting place; (ii) will cast the provisional ballot while voting in person; and (iii) was a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State. Upon completion of the affidavit, the registered voter may cast a provisional ballot.

(e) **Reasonable Impediment Declaration Form.** – The State Board shall adopt a reasonable impediment declaration form that, at a minimum, includes the following as separate boxes that a registered voter may check to identify the registered voter's reasonable impediment:

- (1) **Inability to obtain photo identification due to:**
 - a. Lack of transportation.
 - b. Disability or illness.
 - c. Lack of birth certificate or other underlying documents required.

- d. Work schedule.
- e. Family responsibilities.
- (2) Lost or stolen photo identification.
- (3) Photo identification applied for but not yet received by the registered voter voting in person.
- (4) Other reasonable impediment. If the registered voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(f) County Board Review of Exceptions. – If the county board of elections determines that the registered voter voted a provisional ballot only due to the inability to provide proof of identification and the required affidavit required in subsection (d) of this section is submitted, the county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the affidavit is false.

(g) Purpose. – The purpose of the identification required pursuant to subsection (a) of this section is to confirm the person presenting to vote is the registered voter on the voter registration records. Any address listed on the identification is not determinative of a registered voter's residence for the purpose of voting. A registered voter's residence for the purpose of voting is determined pursuant to G.S. 163-57. (2018-144, s. 1.2(a); 2018-146, s. 3.1(a); 2019-22, s. 1; 2020-17, s. 10.)